

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|-----------------------|---|----------------------|
| CHARLIE BUSH, |) | |
| |) | |
| Plaintiff, |) | 4:05cv3243 |
| |) | |
| vs. |) | MEMORANDUM AND ORDER |
| |) | |
| TED POCWIERZ, et al., |) | |
| |) | |
| Defendants. |) | |

In an Order dated December 5, 2005 (filing no. 10), the court gave the plaintiff a deadline of December 27, 2005 to file a motion for leave to proceed in forma pauperis ("IFP") and to notify the court of his current address, now that the plaintiff has been released from prison. The plaintiff was warned in filing no. 10 that, in the absence of a timely and sufficient response, this case would be subject, without further notice, to dismissal without prejudice for lack of prosecution.¹

There has been no response by the plaintiff, and the deadline has expired. Therefore, as it appears that this case has been abandoned, the plaintiff's complaint and the above-entitled action are dismissed without prejudice. A separate judgment will be entered accordingly.

SO ORDERED.

DATED this 5th day of January, 2006.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
Chief District Judge

¹See NECivR 41.1, which states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution."